

REMARKS/ARGUMENTS

Claims 9-15 and 17 are now active in this application.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 9-14 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ikenoue et al. (USPN 5,671,277).

The rejections are respectfully traversed.

Anticipation, under 35 U.S.C. § 102, requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference.

Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983).

Independent claim 9 recites, *inter alia*:

wherein said control operation (executed by detection of trigger information) includes a transmission operation transmitting ***print information related to printing of said image data*** to a destination. (Emphasis added)

Independent claim 17 recites, *inter alia*:

wherein said predetermined control operation (executed by detection of trigger information) includes a transmission operation transmitting ***information related to recording of said image data*** to a destination. (Emphasis added)

Although Ikenoue et al discloses transmission of added information itself to a control apparatus, the reference fails to disclose or suggest transmitting ***print information related to printing of said image data*** or ***information related to recording of said image data***, as recited in independent claims 9 and 17 (see column 9, lines 61-62 of Ikenoue et al., which is identified by the Examiner on page 3 of the Official Action as disclosing these features).

Thus, each element of each of independent claims 9 and 17 is **NOT** found in Ikenoue et al., either expressly described or under principles of inherency. Consequently, independent claims 9 and 17, as well as dependent claims 10-14, are patentable over Ikenoue et al. and their allowance is respectfully solicited.

II. Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikenoue et al., as applied to claim 9, and in combination with Chapman et al. (USPN 6,522,421).

The rejection is respectfully traversed. Claim 15 depends from claim 9 which is patentable over Ikenoue et al. Consequently, claim 15 is patentable over Ikenoue et al. also, even when considered in view of Chapman et al., and its allowance is respectfully solicited also.

CONCLUSION

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

09/494,253

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY

A handwritten signature in black ink, appearing to read "Edward J. Wise", with a stylized, sweeping flourish at the end.

Edward J. Wise
Registration No. 34,523

600 13th Street, NW
Washington, DC 20005-3096
(202) 756-8000 EJW/dmd
DATE: June 24, 2004
Facsimile: (202) 756-8087